

00- R -1714

Entered - 08/09/00 - sb
CL00L0473 - DIANNE C. MITCHELL


CLAIM OF: **PROGRESSIVE INSURANCE COMPANIES AS
SUBROGEE OF YUNETTA CALDWELL
P. O. Box 43258
Richmond Heights, Ohio 44143**

For damages alleged to have been sustained as a result of a vehicular accident on November 4, 1999 at Cascade Road and Delowe Drive.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **PROGRESSIVE INSURANCE COMPANIES AS SUBROGEE OF YUNETTA CALDWELL** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on November 4, 1999 at Cascade Road and Delowe Drive as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0473

Date: October 9, 2000

Claimant/Victim PROGRESSIVE INSURANCE COMPANY AS SUBROGEE OF YUNETTA CALDWELL

BY: (Atty) _____

Address: P. O. Box 43258, Richmond Heights, Ohio 44143

Subrogation: X Claim for Property damage \$ 5,101.66 Bodily Injury \$ _____

Date of Notice: 11/12/99 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/04/99 Place: Cascade Road and Delowe Drive

Department Public Works Division: Sewer Operations

Employee involved Michael B. Williams Disciplinary Action: No Action Taken

NATURE OF CLAIM: The driver of the City vehicle failed to yield right-of-way and collided with the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____

Traffic citations issued: City Driver X Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement X

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,000.00 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____

Claims Manager:  Concur/date 10-09-00

Committee Action: _____ Council Action _____

DATE: July 19, 2000P.O. Box 43258
Richmond Heights, OH 44143
progressive.comCOMPANY: Council of City of AtlantaM. Achue
08/08/00
PAENTERED - 8-9-00 - SB
00LO473 - DIANNE MITCHELL

ADJUSTER: _____

FAX NO: _____

Our Insured: Yunetta CaldwellOur Claim No.: 993790489Date of Loss: Nov 4, 99Your Insured: City of AtlantaYour Claim/Policy No.: UNICTotal Subro Balance: \$ 5,101.46(THIS FIGURE INCLUDES OUR INSURED'S \$ 500.00 DEDUCTIBLE)

Please take this letter as formal notice of our subrogation rights with regards to the above-captioned claim. We have completed our investigation into the facts of the above-captioned loss and find that your insured was the proximate cause of the accident.

Please make your draft payable to "Progressive Insurance, as subrogee of Yunetta Caldwell", in the amount stated above and mail it to the attention of the undersigned at your earliest possible convenience.

All supporting documentation is enclosed. I have diaried my file ahead fifteen (15) days. Thank you for your anticipated, prompt attention to this matter.

PROGRESSIVE INSURANCE COMPANY

Charmaine Simerton
Subrogation Representative
1-877-818-0139, ext. 66300

Enclosures

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0473

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND AND NO/100
 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever
discharge said City, its officers and employees, including but not limited to Michael B. Williams, from any and
all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for
or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident
which occurred on or about the 4th day of November, 1999,
at or near Cascade Road and Delowe Drive.

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 19th day of September, 2000.

Charmaine Luster (LS)
**PROGRESSIVE INSURANCE COMPANY AS
SUBROGEE OF YUNETTA CALDWELL**

The above release was read and explained to, and signed by the said Charmaine
Luster in our presence on the date above written.

Yunetta Allen
Barbara Miller
Witnesses

00-R-1714